

REAL ESTATE COMMISSION
Professional & Vocational Licensing Division
Department of Regulatory Agencies
State of Hawaii

MINUTES OF MEETING

Date: Friday, Saturday and Sunday - August 20, 21, and 22, 1965

Place: HALE HALAWAI PAVILION, Dept. of Parks and Recreation, County of Hawaii
Building, Kailua, District of Kona, Hawaii County

TROPICS LANAI RESTAURANT, 885 Kilauea Avenue, Hilo, Hawaii County

Present: Jack K. Palk, Chairman (Oahu) Harold J. Silva (Oahu)
Yukio Kashiwa, Vice Chairman (Oahu) Douglas R. Sodehani (Maui)
William A. Beard (Hawaii) William H. C. Young (Oahu)
Robt E. Bekeart, Executive Secretary

By Invitation:

Wesley F. Charlton, representing Hawaii Real Estate Association
Shirley B. Olds, representing Honolulu Board of Realtors

Absent: Dorothy S. Ahrens, (Kauai) - excused

Call to Order: There being a quorum, the Chairman, Mr. Palk, called the meeting to order at 11:30 a.m. in the HALE HALAWAI PAVILION with the following present:

Fay Y. Nako	- c/o Aloha Aina Realty Corp. (Hilo)
Louis K. Kahanamoku	- c/o Kahana Realty (Kona)
Henry M. Y. Chang	- c/o Sunset Realty (Kona)
Josephine J. Roy	- c/o Richard Warfield (Kona)
Iwao Jyo	- (Kona)
Sumio Nakashima	- c/o Kona Realty Company (Kona)
Ralph Fukumitsu	- c/o Iwao Jyo (Kona)
Richard Warfield	- c/o Richard Warfield (Kona)
Helen Wilkinson	- c/o Sunset Realty (Kona)
Wattie Mae Hedemann	- c/o West Hawaii Realty Co.
Raymond Suefui	- Acting Director, Planning and Traffic Commission, County of Hawaii
Norman Sakata	- Investigator, West Hawaii
Arden K. Hunt	- (unidentified)

The Chairman welcomed the brokers, salesmen and government officials to the Commission's public meeting. He stated that in planning the program for each year, consideration is given to go out into the field for meetings with the licensees in order to become acquainted with the problems brokers and salesmen face in each neighboring island county. He closed his introductory remarks noting that the Commission would be conducting its regular monthly business and the audience was welcome to participate in the proceedings - licensees were encouraged to ask any questions or make comments on the business under consideration.

The Chairman suggested that Mr. Sodehani report to the assembly on various problems or projects that may be of interest to the West Hawaii licensees.

POWER OF ATTORNEY - Commissioner Sodehani gave an outline of the problem and tried to develop a response from the licensees present on recognized and known abuses of the power of attorney apparatus. He emphasized the Commission's role in trying to get acceptable legislative controls from the recent session and the subsequent failure of the program to improve and amend the licensing law. He solicited the cooperation of neighboring island licensees in helping the Commission document reported breaches of the law where powers of attorney are giving by developers, subdividers and owners of unimproved land to tour drivers, limousine and taxi operators and other non-licensees.

EDUCATION TASK FORCE - Mr. Sodehani explored the interest of the audience in home-training real estate courses where the licensee, and applicant for license, could enroll in correspondence system with an institution of higher learning. He gave a skeletal report on his findings at the NALLO Western District Conference conducted in Vancouver, particularly noting the organization of real estate education by the Canadian regulatory officials and the University of British Columbia. Mr. Sodehani stated that if the Commission was to determine that such a need was present in Hawaii, particularly for residents outside of Honolulu, it would be necessary for neighboring isle brokers and salesmen to generate some favorable expression through their legislative representatives. He closed reporting that the Commission is giving this matter priority and it is felt that a program of education can be formulated if the University of Hawaii and the Commission work together as is done successfully in other jurisdictions.

Minutes: The minutes of the Friday, July 16, 1965 meeting, not being processed for the agenda were deferred for acceptance to the next meeting.

Financial Report: In discussing the Financial Report for the Month of July, 1965, the Chairman directed his attention to the operating expenditures for the year 1965-66 (FISCAL 1966) noting that the total sum allocated for inter-island travel, out-of-state travel and NALLO dues was \$2,839.00 while 1964-65 (FISCAL 1965) total revenues have been reported as \$72,785.00 or approximately \$14,342.00 in excess of the projected income of \$58,443.00 for the previous twelve-month period July 1, 1964 to June 30, 1965.

The Financial Report was noted as received.

Business Out of Minutes: LICENSING (Sec. 170-1. through 170-14.)

JUNE 22, 1965 EXAMINATIONS - The Executive Secretary was not prepared to make the necessary recommendations on the seven (7)

letters of appeal against scoring in the examination. It was agreed this matter would be processed to the minutes by memorandum to each member.

The Executive Secretary, in his September 2, 1965 memorandum, recommended as follows:

NO. 138 KIMATA, (Mrs. Josephine) - an earned additional point in the Listing/DROA sections gave her the required 15 out of 20 points. Recommend that she be found qualified in the written examination for real estate salesman license.

NO. 166 ALVES, James E.

NO. 72 KRAUSE, (Mrs.) Gerda

NO. 320 MARTIN, (Mrs.) Patricia A.

NO. 383 SUYENAGA, James S.

NO. 385 YAMAKI, Jerry

NO. 511 WOO, Joseph

Recommend the Commission's action of July 16, 1965 finding the six (6) applicants immediately above not qualified in the written examination be sustained.

By return memoranda, the Commission concurred in the recommendations. The appellants are to be notified of the members' decision.

SUBDIVISIONS (Sec. 170-30. through 170-38.)

There was no subdivision registration business carried over from the July 16, 1965 proceedings.

CONDOMINIUMS (Sec. 170A-1. through 170A-48.)

The Commission accepted the information on the following Horizontal Property Regimes:

REGISTRATION NO. 92 - MAKAUUA SHORES

Final Public Report issued July 16, 1965.

New
Business:

LICENSING

UPON MOTION the Commission ruled that the licenses tentatively authorized for the following be approved, ratifying the action of the Executive Secretary:

Corporation

CHOICE PROPERTIES, INC.

Harold J. Silva, RPB

DBAs

Kazuo Yoshioka	dba	STAR REALTY
Howard R. Hampton, Jr.	dba	BOB HAMPTON REALTOR
Don D. Miguel	dba	UNITED FINANCE CO.
James T. Tsutsui	dba	J T REALTY

Partnerships

(None)

Branch Offices

(None)

Motion passed unanimously.

In bringing the Kailua-Kona portion of the agenda to a close, the Chairman thanked the licensees for taking time out from their business day to participate in the proceedings. In re-capping the status of the Commission's 1965 Legislative Program, he noted the importance of the neighboring island licensee's role in maintaining contact with representatives and senators. He emphasized that the Commission will strive again for successful passage of legislative proposals that would improve and strengthen the real estate laws.

Recess: At 12:30 p.m., the Chairman declared the meeting recessed.

It was agreed that Commissioner Young and the Executive Secretary will make the field inspection to HAWAIIAN OCEAN VIEW ESTATES SUBDIVISION.

The remainder of the party will proceed northward to the MAUNA KEA BEACH HOTEL, Kamuela, where the Commission will reconvene at approximately 8:30 p.m.

For the interest of Hawaii licensees and interested parties, the Chairman noted that the Commission would reconvene at 11:00 a.m., Saturday, August 21, 1965 at the TROPICS LANAI RESTAURANT in Hilo.

Field
Inspection: The subdivision inspection party checked the following projects in the districts of Kau, South Kona and North Kona:

HAWAIIAN OCEAN VIEW ESTATES (Crawford Oil Company)

SIROCCO HIGHWAYS HOTEL SUBDIVISION
(Phoenix, Arizona group with Kona investors.)

MILOLII BEACH CLUB SUBDIVISION
(Milolii Syndicates - Norman Inaba)

KONA OCEAN VIEW SUBDIVISION
(T. Tanigawa - Agent)

KONA PARADISE SUBDIVISION
(Paradise Counsellors, Ltd.)

LONO KONA SUBDIVISION
(Mid-Pac Lumber Company, Ltd.)

Reconvene: At 11:30 a.m., in the private dining room of the TROPICS LANAI RESTAURANT, Hilo, the Chairman called the meeting to order from its previous recess in Kailua. The following licensees were present:

Kenneth Griffin	- The Realty Investment Co., Ltd.
Helen K. Kaman	- c/o The Realty Investment Co., Ltd.
Alex H. Tanouye	- c/o " " " " "
Jane Herbst	- c/o " " " " "
Mabes Crowell	- c/o " " " " "
Masae T. Saito	- c/o Blackshear & Devine, Realtors
Mary Ann Nevels	- Aloha Aina Realty
Hiromu Yamanaka	- Hiromu Yamanaka Realty, Inc.
Francis Gota	- Investigator, East Hawaii

The Chairman in his opening remarks welcomed the licensees and commended them for demonstrating interest in the affairs of the Commission. He suggested that Mr. Sodehani re-state some of the problems and projects the members were looking into. Mr. Sodehani repeated his remarks as presented to the HALE HALAWAI gathering in Kailua. In response to Mr. Sodehani's remarks, the brokers present asked the Commission's stand on a builder who enters into an arrangement with a non-licensee to pay a finders fee for the services of locating property on which a building can be constructed - the licensees' contention being that this appears to be unfair to those who have qualified before the Commission as real estate brokers and salesmen. The commissioners were in full agreement that this matter should be probed and Francis Gota, East Hawaii Investigator, is cognizant of the Commission's interest.

REQUEST FOR RESTORATION OF LICENSE- CLARENCE J. HAMAISHI, BROKER
R.B. NO. 2576 - The Chairman directed that this matter will be taken under discussion, in executive session, near the end of the agenda.

SUBDIVISIONS - UPON MOTION the Commission accepts as completed the Subdivision Registration Statement on the following:

PACIFIC PALISADES UNIT VIII - Mauna Uka, Oahu, City and County of Honolulu, Hawaii; 154 residential lots; subdivider - MOMILANI LAND COMPANY (H. Kometani).

MANOA GARDENS UNIT V - Manoa Valley, City and County of Honolulu, Hawaii; 31 residential lots; developer - HAWAIIAN PACIFIC INDUSTRIES & AMERICAN FACTORS, LTD. (Larry C. Bortles and Charles Hamane, registrants); selling broker - Joseph R. Pao.

WAIPAHU INDUSTRIAL PARK - Hoaeae, Waipahu, Oahu, City and County of Honolulu, Hawaii; 100 lots; developer - HSM VENTURES (Shigeru Horita and Iwao Kishimoto, registrants); selling broker - H. K. Horita Realty, Inc.

COLORADO CITY UNIT 5 - Colorado City, Pueblo County, Colorado; 701 residential lots; developer - COLORADO CITY DEVELOPMENT COMPANY (Norman Gross, Authorized Officer, 6363 Sunset Blvd., Los Angeles, California); selling broker - Walter N. Clark, 1441 Kapiolani Blvd., Suite 1121, Honolulu.

Examined by: Dorothy S. Ahrens.

MEADOWLAND RANCHES - Burns, Harvey County, Oregon; 6,000 acres registered; subdivider - MEADOWLAND RANCHES, INC., (L. H. Dooley, President, 40 East Monroe Street, Burns, Oregon); selling broker - John Nua Realty, 315 Royal Hawaiian Avenue, Honolulu.

Examined by: William H. C. Young.

NIU VALLEY HIGHLANDS UNIT I - Niu, Honolulu, Hawaii; 106 residential lots; developer - AMERICAN FACTORS, LTD., and HAWAIIAN PACIFIC INDUSTRIES (Charles Hamane and Larry Bortles, registrants); selling broker - Joseph R. Pao, 910 Ala Moana Blvd., Honolulu.

Motion passed unanimously.

The Executive Secretary reported Subdivision Registration Statements have been received on the following:

MARCO BEACH UNIT 1 through UNIT 21 - Naples, Collier County, Florida; 12,445 residential lots; subdivider - MARCO ISLAND DEVELOPMENT CORPORATION (W. Patrick Green, Authorized Officer, 3250 S. W. Third Avenue, Miami, Florida, 33145); selling broker - none identified in RECO FORM 27.

Assigned to William A. Beard for examination.

DELTONA LAKES - (thirteen various units) - DeBary; Volusia County, Florida; 7,043 residential lots; subdivider - THE DELTONA CORPORATION (W. Patrick Green, Authorized Officer, 3250 S. W. Third Avenue, Miami, Florida, 33145); selling broker - none identified in RECO FORM 27.

Assigned to William H. C. Young for examination.

VEIN OF GOLD - Holbrook, Navajo County, Arizona; 140 residential lots; developer - ARIZONA LAND CORPORATION (Jack W. Glidwell, President, 3507 N. Central Avenue, Phoenix, Arizona); selling broker - Yoon Cho Chung, 610 Queen St., Honolulu.

Assigned to Douglas R. Sodehani for examination.

RANCHO 1001 - Holbrook, Navajo County, Arizona; 120 residential lots; developer - ARIZONA LAND CORPORATION (Jack W. Clidwell, President, 3507 N. Central Avenue, Phoenix, Arizona); selling broker - Yoon Cho Chung, 610 Queen St., Honolulu.

Assigned to Yukio Kashiwa for examination.

CONDOMINIUMS - The Executive Secretary reported that Notices of Intentions on behalf of the following projects have been received:

(UNASSIGNED) - HEULU GARDENS

(UNASSIGNED) - PUAHALA APARTMENTS

(UNASSIGNED) - WAIMALU TERRACE

(UNASSIGNED) - 1085 POKI STREET

(UNASSIGNED) - SKY TOWER APARTMENTS

(UNASSIGNED) - KING KALANI

(UNASSIGNED) - TROPICANA VILLAGE-MAKAI

(UNASSIGNED) - THE REGENT ALA MOANA

Investiga-
tions:

RE-133 BARNEY MENOR - The respondent broker will appear before the next Commission meeting to discuss his role in this property management complaint.

RE-182 ARLINE ELLIS - The Commission noted that there was nothing presented in the investigation report to indicate that the respondent had violated the licensing statute. The Executive Secretary is to write Mr. and Mrs. Chang accordingly and suggest that if they are not satisfied with Mrs. Ellis' service as their agent, perhaps they would consider employing a new representative.

RE-185 PETER SHAYNE - The Commission received the Executive Secretary's report that this matter of Mr. Shayne's unlicensed operations as a real estate consultant had not been forwarded to the Attorney General for a final determination. The Chairman commented unfavorably on the Executive Secretary's dilatory handling of this matter and directed that the case be referred to the Attorney General, requesting an opinion as to whether Mr. Shayne's activity as a unlicensed person was an infraction of the license law. Consideration was given by the members to having the case forwarded to the attorney for the County of Hawaii for prosecution.

Miscellaneous:

BUDGET FOR FISCAL YEAR 1967 - The Commission, in discussing a program for the period July 1, 1966 through June 30, 1967, rules that fiscal planning should permit the following:

In-state travel: Ten (10) meetings a year in the City and County of Honolulu. Two (2) meetings a year in a selected neighboring island county.

Out-of-state travel: Two (2) commissioners to attend the 38th Annual NALLO Conference. Two (2) commissioners to attend the NALLO Western District Conference.

OCTOBER 19, 1965 EXAMINATION DATE - The Executive Secretary noted that because of conflict with the HONOLULU BOARD OF REALTORS Tenth Annual Educational Conference, October 25-27, 1965, consideration was given to changing the examination date from October 26, 1965 to October 19, 1965. Deadline for filing applications remains as Monday, September 20, 1965.

The Commission approved the recommendation.

REAL ESTATE ASSOCIATION OF HAWAII - The editor of the association's monthly NEWSLETTER has requested the Commission's authority to publish in their periodical the names of applicants successfully qualified in each examination for real estate broker and salesman. The members discussed the request and the Chairman stated that this appeared to be a reasonable service and that the association could be given the appropriate list. It was the consensus that the HONOLULU BOARD OF REALTORS would be afforded the same privilege.

ADDITIONAL REQUIREMENTS - HORIZONTAL PROPERTY ACT - The Chairman, on receiving the Executive Secretary's report on the proposed letter that was to have been sent to all developers with pending registrations, stated that this matter had not been handled to his satisfaction. The Chairman's intention, as expressed in his July 23, 1965 memorandum, was that the letter to the developers would have in its introduction the reasons the Commission has placed additional restrictions on those registering horizontal property regime projects. The Chairman directed the Executive Secretary to re-work the paper so that it refers to the reasoning behind the Commission's change in procedures and refers to the entire Horizontal Property Act - specifying that the additional requirements are as authorized by the Legislature under Chapter 170A at Section 170A-135, Financing Construction, Revised Laws of Hawaii 1955, as amended.

Second Recess:

At approximately 4:00 p.m., the Chairman declared that the meeting would recess to reconvene the following morning, Sunday, August 22, 1965.

Reconvene: The Commission reconvened in executive session to discuss the Clarence J. Hamaishi application for restoration. By memorandum, the Chairman directed the Executive Secretary to write Mr. Hirotoshi Yamamoto and advise him that in view of the long delay in compliance with the Commission's statement of conditions, as orally agreed to at the July 16, 1965 executive session with Mr. Yamamoto, Mr. Hamaishi and Mr. Kanemoto, Attorney, the entire program to reinstate Mr. Hamaishi's broker license has been withdrawn.

Third
Recess: The Commission recessed the executive session with the understanding that a field inspection trip will be made Sunday morning in the Panewa Forest, Olaa, Puna, Kalapana and Chain of Craters Road areas.

Reconvene: The Commission reconvened at 9:00 a.m., August 22, 1965 and conducted a field inspection of subdivisions in the Olaa-Pahoa-Kapoho-Kalapana portions of the District of Puna.

Date of
Next
Meeting: Tuesday, September 21, 1965 at 1:00 p.m., City and County of Honolulu, Hawaii.

Adjournment: The County of Hawaii meeting was declared adjourned at 1:00 p.m., Sunday, August 22, 1965.


ROBT E. BEKEART
Executive Secretary

APPROVED BY THE COMMISSION

JACK K. PALK, Chairman

sw
9/21/65